

with stored consumer activity information associated with the consumer identifier information received from said first subscriber network site; and
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transmitting said tailored promotion to said first subscriber network site to be displayed to said requesting consumer over said distributed communication network.—

REMARKS

Claims 1, 3-10 and 22-25 are now pending in this application. Claims 11-15 have been cancelled without prejudice, and independent claims 1 and 22 have been amended. Further reconsideration of this application is requested.

35 U.S.C. § 103 Rejection

Claims 1, 3-10, and 22-25 stand rejected as being unpatentable over Gardenswartz et al. in view of Roth et al. The Office action asserts that it would have been obvious to have implemented a centralized system as described by Roth so that targeted ads can be selectively sent to web site viewers of "subscribing member web sites." This ground of rejection is respectfully traversed.

Contrary to the implied assertion of the Office action, neither Gardenswartz nor Roth discloses any "subscribing member web sites." The Examiner correctly points out that Gardenswartz describes a known use of "cookies" to track a consumer's online activity, whereby a web server can deliver advertisements to the consumer's web browser targeted to the consumer based on inferences drawn from the web sites visited by the consumer. However, there are no "subscribing member web sites" associated with the web server.

Similarly, Roth discloses an Internet advertising server system which provides advertisements to be displayed in web pages viewed by a user on a web browser. The advertisements presented are chosen by a bid selection logic module of the advertising server system, which receives bids from a number of bidding agents representing advertisers who have placed advertisements in a database of the advertising server system. There is no disclosure or teaching that the advertisers represented by the bidding agents 30A-30Z have any relationship with the web site 14 (see Fig. 1) of

which a user has selected web page 12 for viewing on a web browser, nor is there is there any disclosure or teaching that the advertisement actually displayed to the user has any relationship to any goods and/or services offered by the web site 14. To the contrary, the advertisements in the data base 16A are general advertisements for goods/services provided by the advertisers represented by the bidding agents.

According to Roth, when a user requests access to a web page 12 having an HTML reference to the advertising web server 16, a cookie 11A on the user's client browser 11 is sent to the advertising web browser. The information stored in the cookie is presented to the bidding agents, along with possible additional information from viewer information data base 16B, who bid for presentation of their particular advertisement to the viewer based on the viewer information provided.

Gardenswartz does not suggest any modification of Roth which would result in the claimed invention. First, as explained above, the known use of cookies to track consumer online activity as described by Gardenswartz in the "Background of the Invention" section is not associated with any centralized system having subscribers. Second, Gardenswartz does not disclose a centralized server system for generating tailored promotions of goods and/or services based on consumer preference gleaned through historical online activity. To the contrary, Gardenswartz teaches away from such a system. Gardenswartz teaches that using online activity to generate targeted advertisements is disadvantageous because a consumer's actions on the Internet allegedly may not be strongly related to the consumer's preferences in the offline world (col. 2, ll. 43-48). Gardenswartz instead proposes "a novel method, system, and computer program product for delivering targeted advertisements to a consumer based on his or her offline purchase history (col. 2, ll. 58-61). Thus, one of ordinary skill in the art would not have been motivated by Gardenswartz to modify the Roth system in the manner suggested by the Office action.

Contrary to both Gardenswartz and Roth, the present invention as claimed is directed to apparatus and method for providing tailored promotions of goods and/or services offered by particular subscriber network sites to consumers accessing the

particular network sites of a distributed communication network tailored to the personal preferences of the consumer based on the consumer's past on-line activity.

According to the invention as disclosed and claimed, consumers are identified using cookies, and the consumer identification information is sent to an electronic commerce apparatus and stored. As consumers surf the web, participating network sites report consumer activity regarding the identification of pages accessed, products reviewed, products purchased, etc. together with consumer identification information, to the electronic commerce apparatus. Subscribing network sites (i.e. those sites for which tailored promotions are created and transmitted) send to the apparatus consumer identifier information of consumers requesting network site access. The apparatus then creates a tailored promotion by retrieving consumer activity information associated with the transmitted consumer identifier information and selecting a promotion of goods and/or services offered by the requesting subscriber network site from a promotions database in accordance with the retrieved activity information.

As explained in the specification at pages 8 and 9, according to the claimed invention a subscriber network site thus may use the electronic commerce apparatus of the invention to generate and present promotions to visitors of the subscriber's website, of goods and/or services offered by the subscriber's website tailored to the preferences of the visitor as a direct method of increasing sales. The present invention as claimed thus provides a significant advance over the prior art as disclosed by Gardenswartz and Roth.

Conclusion

In view of the foregoing, favorable reconsideration of this application, withdrawal of the outstanding grounds of rejection, and the issuance of a Notice of Allowance are earnestly solicited.

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Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17
to Deposit Account No. 02-2135.

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Attachments: Marked-Up Copies of Amendments

MARKED-UP COPY OF AMENDMENTS SHOWING CHANGES MADE

--1. (Twice Amended) A computer-implemented electronic commerce apparatus for generating a tailored promotion of goods and/or services offered by a subscriber to said apparatus based on personal consumer preferences for presentation by said subscriber to a consumer over a distributed communication network, comprising:

a connection to said distributed communication network;

a database of goods and/or service promotion[s] data pertaining to goods and/or services offered by subscribers to said apparatus; and

a consumer information storage, said consumer information storage including a consumer identifier storage for storing consumer identifier information identifying individual consumers, and including for each stored consumer identifier activity information pertaining to network sites accessed by said individual consumers and associated with individual consumers;

wherein said electronic commerce apparatus receives said activity information, stores said activity information in said consumer information storage by individual consumer, receives from a particular subscriber network site consumer identifier information associated with a consumer requesting access to that subscriber network site, uses stored activity information in conjunction with said goods and/or services promotion data in said database to create a tailored promotion of goods and/or services offered by said particular subscriber network site in response to said received consumer identifier information, and transmits said tailored promotion to said particular subscriber network site for presentation to said consumer. --;

-22. (Amended) A method for presenting to a consumer over a distributed communication network a promotion tailored to the consumer's personal preferences of particular goods and/or services offered by a subscriber having a site on said network [tailored to the consumer's personal preferences], comprising the steps of:

storing consumer identifier information uniquely identifying an individual consumer;

receiving from a plurality of different network sites on said distributed communication network, consumer activity information associated with consumer identification information, said consumer activity information including network site identifier information identifying the network site transmitting the activity information, and information pertaining to goods and/or services offered by said network site that have been accessed and/or purchased by a consumer associated with said consumer identification information;

storing said consumer activity information in association with stored consumer identification information;

storing a database containing various promotions of goods and/or services offered by a plurality of subscriber network sites;

receiving from a first subscriber network site consumer identifier information of a consumer requesting access to said first subscriber network site;

creating a tailored promotion of specific goods and/or services offered by said first subscriber network site to be presented to said requesting consumer in accordance with stored consumer activity information associated with the consumer identifier information received from said first subscriber network site; and

transmitting said tailored promotion to said first subscriber network site to be displayed to said requesting consumer over said distributed communication network.—